



City of Rockville

CONFIDENTIAL MEMORANDUM

May 21, 2009

TO: Mayor & Council
FROM: Scott Ulery, City Manager
SUBJECT: June 15 Executive Session

The attached confidential memorandum from Carlos Vargas describes our progress to date with the annual meet and confer with the Fraternal Order of Police (FOP).

When we meet in Executive Session on June 15 at 6:15 PM, we will ask for your approval of the areas of agreement reported in the memorandum, and any additional direction you might wish to provide. If the areas of agreement meet your approval, and no further negotiations are needed, I recommend that upon returning to open session the Mayor and Council take a public vote on this matter.

Attachment

Cc: Claire Funkhouser, City Clerk
Jenny Kimball, Assistant City Manager
Terry Treschuk, Police Chief
✓ Carlos Vargas, Director of Human Resources



City of Rockville

CONFIDENTIAL MEMORANDUM

May 21, 2009

TO: Scott Ullery, City Manager

FROM: Carlos A. Vargas, Director of Human Resources

SUBJECT: Meet and Confer - Fraternal Order of Police

A handwritten signature in black ink, appearing to read "Carlos A. Vargas", is written over the "FROM:" line of the memorandum.

As you know, on an annual basis we meet and confer with the Fraternal Order of Police (FOP), Lodge 117. Meet and confer is a relationship designed to discuss operations and procedures, pay and benefits. This relationship provides the City and the FOP with the means by which they may address any concerns or issues. Lodge 117 is the exclusive representative of officers at the rank of sergeant and below.

For your information, Resolution Number 31-67 requires the City Manager to bargain and negotiate with the employee organization's representatives in good faith. Personnel Policy and Procedure (PPP) Manual 50-10 designates the Director of Human Resources as the position responsible for representing the City on any and all issues relative to actions affecting employees. This includes employees represented by the FOP. The scope of bargaining relates to employment conditions, benefits and management-employee relations, including, but not limited to, wages, hours, and other terms and conditions of employment. Furthermore, when the parties reach agreement they shall prepare a written memorandum of such agreement and submit it to the Mayor and Council for its ratification or rejection.

Last year we committed to the FOP that we would support the recommendations provided for in the April 2008 compensation study conducted by Public Financial Management (PFM). As a reminder, those recommendations included cost-of-living adjustments (across-the-board increases) of 3.25 percent for FY 2009, FY 2010, and FY 2011. Additionally, the compensation recommendations included an additional step increase (added to the current pay scale) equal to 3.5 percent in FY 2009 and FY 2010. These compensation recommendations were included in your FY 2010 budget submission and are scheduled for budget adoption on May 18, 2009. Therefore, during this year's discussions we did not spend time talking about compensation since we had already committed to the FOP for a 3-year period on wages.

Notwithstanding, the FOP was interested in pursuing with us an expansion of the current Personal Patrol Vehicle (PPV) program, the continuation of the One-Vehicle per Officer Assignment program, and a joint disability retirement advisory committee. The City was

Page 2
May 21, 2009

interested in pursuing the development of a policy and procedure for random drug and alcohol testing of police officers. I am pleased to say that we were able to reach agreement in all of these areas. The exact language is attached.

For your convenience and information, the following briefly describes the 4 areas of agreement:

The expansion of the Personal Patrol Vehicle (PPV) Program is a one-year pilot or trial program that permits officers to use a City police vehicle for personal use throughout Montgomery County. Currently, police officers have full use of their vehicles in districts 1 and 6 with "limited use" in other areas of the county (i.e., medical appointments, day care reasons, and physical wellness.) Under the current and proposed pilot program, officers must reside within Montgomery County, Maryland to be eligible to participate in the PPV program.

Other local jurisdictions, such as Takoma Park and the City of Gaithersburg, allow limited personal use of their vehicles throughout the county, similar to the current program in existence in Rockville. Montgomery County government has had a longstanding agreement that allows resident police officers full personal use of a PPV within the boundaries of Montgomery County. Recently, however, it was agreed that Montgomery County officers would be eligible for the PPV program even if they reside within 15 miles of the Montgomery County border.

Generally, the goal of a PPV program is to provide the highest level of police service to the community by providing greater police presence on the streets and in the neighborhoods of our community and enhancing the responsiveness of both on-duty and off-duty officers to calls for service. It should also be noted that an off-duty police officer participating in the PPV program would be in a no-pay status for the first two hours of action per incident. Although we are very supportive of the program for recruitment and retention purposes and programmatic reasons, we recommend the approval of the pilot program that will give the City the ability and flexibility to jointly review the program for unintended consequences and other potential benefits. No additional financial resources are being requested for FY 2010 (i.e., any added expenses for fuel and maintenance will be paid for through the FY 2010 vehicle acquisition program).

We would also jointly agree to continue the One-Vehicle per Officer Assignment program that was started years ago. The police department believes this is a positive step towards the long-term preservation of our police vehicles. It is believed that if a vehicle is assigned to one officer rather than being part of a fleet, the vehicle has a longer life expectancy because the vehicle is better maintained. This is also more convenient for the officer who typically views their vehicle as their office and feels as though having to move assigned equipment from one vehicle to another is a significant chore. Chief Treschuk expects he can move forward with this program within current resources.

A third interest of the FOP is to form a joint committee with the City in order to discuss in greater detail the City's disability retirement benefit. Specifically, the FOP would like to change

Page 3
May 21, 2009

the current 66 2/3 percent (tax exempt) in the line of duty disability benefit. This benefit is generally reduced when the officer becomes eligible for a "regular" retirement benefit. Participating in this committee will allow the City to explore other methods of delivering this benefit (e.g., multi-tiered system) that could further improve the integrity of the system. The committee is a non-binding method for the parties to explore their interests in the disability retirement area. This joint committee will be empowered to explore various opportunities in this area for one year and forward any recommendations to you for review and consideration. For your information, there are 2 officers currently receiving benefits under the existing program.

Finally, the FOP has agreed with the City's request to form a joint committee designed to review and study the efficacy of random drug and alcohol testing for police officers. The City believes that having officers randomly tested will instill even greater confidence in our officers by our residents. This committee will submit recommendations on policy and procedure to you next year for review and consideration.

In closing, I would like to thank Chief Treschuk, Captain England, and Assistant City Manager Kimball for assistance and support during this year's meet and confer discussions. Discussions were always cordial, respectful, and informative. If you need further information, please feel free to let me know.

cc: Terry Treschuk, Chief of Police
Jennifer Kimball, Assistant City Manager

MEET AND CONFER CITY PROPOSALS

March 26, 2009

Expand the Personal Patrol Vehicle (PPV) Program County-Wide:

The City agrees with a one-year trial expansion of the PPV program Montgomery County-wide for personal use. Within two months of the completion of this one-year approval of this use of the Personal Patrol Vehicle (PPV) program county-wide, the city will complete an analysis of the trial program, including compilation of associated costs and potential benefits, including review of all documented off-duty response to calls-for-service, and adherence to all applicable mutual responsibilities associated with the Personal Patrol Vehicle (PPV) program, as outlined in General Order 4-39. This analysis will be shared with the meet and confer representatives as part of the continuing dialogue on program viability. The Personal Patrol Vehicle (PPV) program is a separate and distinct program from the one vehicle per officer program.

Continuation of the One-Vehicle per Officer Assignment Program:

The City agrees to continue to expand the One-Vehicle per Officer program as funding and availability of vehicles allow.

JOINT DISABILITY RETIREMENT ADVISORY COMMITTEE

The joint disability retirement advisory committee will review and study the disability retirement calculation and other program eligibility requirements. Specifically, the FOP has an interest in extending the City's benefit of 66 2/3 percent (tax-exempt) of final earnings in the line of duty disability retirement benefit for the life of the officer. Currently, the injured officer's in the line of duty disability retirement benefit is modified when the officer becomes eligible for a "regular" retirement benefits.

This Committee shall meet a reasonable number of times throughout fiscal year 2010. The committee will expire on July 1, 2010. The Advisory Committee shall consist of eight (8) members; four (4) members appointed by the City Manager and four (4) members appointed by the Fraternal Order of Police Lodge 117. The Committee may request the attendance, on an ad hoc or ongoing basis, the presence of subject matter experts (e.g. benefits specialists, actuaries etc.). Issues regarding procedure should be resolved by consensus.

The Committee shall provide its recommendations, if any, to the City Manager for review and consideration on or before July 1, 2010.

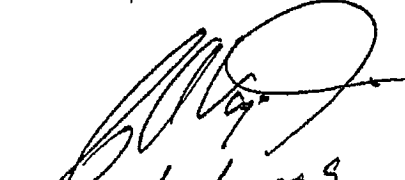
JOINT DRUG-FREE WORKPLACE COMMITTEE

The joint drug-free workplace committee will review and study the efficacy of a random drug and alcohol-testing program for police officers. The goal would be to develop a policy and procedure for random drug and alcohol-testing that meets the interests of the City; it's residents, and police officers. Some functions of the testing program include: protecting the health and safety of the public; protecting and enhancing the health, safety, and efficiency of the workforce;

discouraging drug and alcohol abuse; and motivating individuals with active drug or alcohol problems to seek treatment

This Committee shall meet a reasonable number of times throughout fiscal year 2010. The committee will expire on July 1, 2010. The drug-free workplace committee shall consist of eight (8) members; four (4) members appointed by the City Manager and up to 4 members appointed by the Fraternal Order of Police Lodge 117. If necessary, the Committee may request the attendance, on an ad hoc or ongoing basis, the presence of subject matter experts. Issues regarding procedure should be resolved by consensus.

The Committee shall provide its recommendations on a policy and procedure, if any, to the City Manager for review and consideration on or before July 1, 2010


4/16/2009

Jean Converse
PRESIDENT - FOP 117
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